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SENATE BILL 177

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

CISCO MCSORLEY

AN ACT

RELATING TO PROBATE; PROVIDING THAT A DECEDENT' S SURVIVING SPOUSE IS ENTITLED TO A PERSONAL PROPERTY ALLOWANCE; AMENDING A SECTION OF THE UNIFORM PROBATE CODE; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 45-2-403 NMSA 1978 (being Laws 1993, Chapter 174, Section 21, as amended) is amended to read:

"45-2-403. PERSONAL PROPERTY ALLOWANCE. --In addition to the family allowance, the decedent's surviving spouse ~~who is a devisee under the will~~ is entitled from the estate to a value, not exceeding ten thousand dollars (\$10,000) in excess of any security interests therein, in household furniture, automobiles, furnishings, appliances and personal effects. If there is no surviving spouse, the decedent's children who are devisees under the will or, if there is no will, who are intestate heirs are

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1 entitled jointly to the same value. If encumbered chattels are
2 selected and the value in excess of security interests plus that
3 of other exempt property is less than ten thousand dollars
4 (\$10,000) or if there is not ten thousand dollars (\$10,000)
5 worth of exempt property in the estate, the spouse or children
6 are entitled to other assets of the estate, if any, to the
7 extent necessary to make up the ten thousand dollar (\$10,000)
8 value. Rights to specific property for the family allowance and
9 assets needed to make up a deficiency in the property have
10 priority over all claims against the estate, but the right to
11 any assets to make up a deficiency of exempt property abates as
12 necessary to permit earlier payment of the family allowance.
13 These rights are in addition to any benefit or share passing to
14 the surviving spouse or children by intestate succession or by
15 the decedent's will, unless otherwise provided by the decedent
16 in the will or other governing instrument. "

17 Section 2. EMERGENCY.--It is necessary for the public
18 peace, health and safety that this act take effect immediately.

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SB 177/a

February 3, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 177

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 21, strike "ten thousand dollars
(\$10,000)" and insert in lieu thereof "fifteen thousand dollars
(\$15,000)".

2. On page 2, lines 3 and 4, strike "ten thousand dollars
(\$10,000) and insert in lieu there of "fifteen thousand dollars
(\$15,000)".

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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SJC/SB 177

Page 4

3. On page 2, line 4, strike "ten thousand dollars (\$10,000)" and insert in lieu thereof "fifteen thousand dollars (\$15,000)".

4. On page 2, line 7, strike "ten thousand dollars (\$10,000)" and insert in lieu thereof "fifteen thousand dollars (\$15,000)".

Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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SJC/SB 177

Page 5

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Tsosie, McSorley

Absent: None

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FORTY-THIRD LEGISLATURE SB 177/a
FIRST SESSION, 1997

February 12, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 177, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, lines 24 and 25, strike "who are devisees under
the will or, if there is no will, who are intestate heirs".

Respectfully submitted,

Fernando R. Macias, Chairman

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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Page 7

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Tsosie, McSorley

Absent: None

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State of New Mexico
House of Representatives

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FORTY- THIRD LEGISLATURE
FIRST SESSION, 1997

March 17, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 177, as amended

**has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 1 Against

Yes: 7

No: Vaughn

Excused: Alwin, King, Rios, Sanchez, Stewart

Absent: None

M \S0177

Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 17, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 177, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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The roll call vote was 7 For 1 Against

Yes: 7

No: Vaughn

Excused: Alwin, King, Rios, Sanchez, Stewart

Absent: None

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